

**FILED**

**JUN 19 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

C. EDWARD MOORE,

Plaintiff - Appellant,

v.

CITY OF SANTA MONICA,  
CALIFORNIA; et al.,

Defendants - Appellees.

No. 05-56014

D.C. No. CV-04-08720-JVS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
James V. Selna, District Judge, Presiding

Submitted June 12, 2006<sup>\*\*</sup>

Before: WALLACE, KLEINFELD and BERZON, Circuit Judges.

C. Edward Moore appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action alleging due process and equal protection violations arising from parking tickets he received in Santa Monica. We have jurisdiction

---

<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

under 28 U.S.C. § 1291. We review de novo the district court's dismissal for failure to state a claim, *Nelson v. Heiss*, 271 F.3d 891, 893 (9th Cir. 2001), and we affirm.

The district court properly dismissed Moore's equal protection claim alleging that urban dwellers receive more parking tickets than suburban and rural dwellers. *See Wayte v. United States*, 470 U.S. 598, 608-10 (1985) (a mere failure of those who administer the law to treat equally all persons who violate the law does not constitute a denial of equal protection).

The district court also properly dismissed Moore's due process claims as the State of California provides an adequate post-deprivation remedy. *See Hudson v. Palmer*, 468 U.S. 517, 532 (1984); *see also* Cal. Veh. Code § § 4025 & 40215(b).

The district court did not abuse its discretion by dismissing Moore's action without leave to amend, because the deficiencies in the complaint could not be cured. *See Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc).

Moore's remaining contentions are without merit.

**AFFIRMED.**